

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 January 2023

Public Authority: Imperial College Healthcare NHS Trust
Address: St Mary's Hospital
South Wharf Road
London
W2 1NY

Decision (including any steps ordered)

1. The complainant has requested information regarding retention periods for CCTV footage at specific locations and rights of access to such footage.
2. Imperial College Healthcare NHS Trust (the Trust) responded to the request outside the statutory time for compliance.
3. The Commissioner's decision is that the Trust breached section 10(1) FOIA in its handling of this request.
4. The Commissioner requires no steps to be taken.

Request and response

5. The complainant made the following information request on 22 September 2022:
 - "1. Any written Policy, or any other information (or both), that is concerned with the retention period of any Closed Circuit Television (CCTV) footage that is recorded on the relevant Unit 1 which is located in St. Mary's Hospital, Praed Street, Paddington, London, W2 INY.
 2. Any written Policy, or any other information (or both), that is concerned with the retention period Of any CCTV footage that is recorded on the relevant Unit 2 which is located in the hospital that is expressly referred to in paragraph 1 above.

3. Any written Policy, or any other information (or both), that is concerned with any right(s) of a data subject, by virtue of the relevant provision(s) set-out under the General Data Protection Regulation (GDPR), 2018 (and, as relevant, the Data Protection Act (DPA), 2018), to obtain any CCTV footage that appertains to their self which is recorded on the relevant Unit 1 or on the relevant Unit 2 (or both) which are located in the hospital that is expressly referred to in paragraph 1 above.
4. Any written Policy, or any other information (or both), that, if it is different to the content in paragraph 3 above, is concerned with any right(s) of a data subject, by virtue of the relevant provision(s) set-out under the GDPR 2018 (and, as relevant, the DPA 2018), to obtain any other personal data (pertaining to their self)."
6. The Trust responded on 9 December 2022. The complainant was satisfied with the response.

Scope of investigation

7. The Commissioner has considered whether the Trust complied with section 10(1) FOIA in its handling of this request.

Reasons for decision

Section 10(1)

8. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him."
9. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
10. In this case the request was made on 22 September 2022 and the Trust did not provide a response until 9 December 2022. The Commissioner finds that the Trust has breached section 10(1) FOIA by failing to respond to the request within 20 working days.

Right of appeal

11. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from: First-tier Tribunal (Information Rights)

GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: grc@Justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

12. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF